

PROFESSIONAL LICENSING AND REGULATION BUREAU[193]

Adopted and Filed

Rule making related to licensing regulation, veterans and military spouses

The Professional Licensing and Regulation Bureau hereby amends Chapter 14, “Alternative Paths to Licensure,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 546.3 and 546.10 and 2022 Iowa Acts, Senate File 2383.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2022 Iowa Acts, Senate File 2383.

Purpose and Summary

This rule making revises license by verification rules to comply with 2022 Iowa Acts, Senate File 2383, which removed residency and active duty requirements from the license by verification process for applicants seeking professional licensure who have been licensed in another state. This rule making also adds military spouses as individuals who can be licensed under special veteran reciprocity rules.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 8, 2023, as **ARC 6946C**. A public hearing was held on March 28, 2023, at 10 a.m. at 200 East Grand Avenue, Suite 350, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Accountancy Examining Board on April 17, 2023; the Architectural Examining Board on April 13, 2023; the Engineering and Land Surveying Examining Board on April 24, 2023; the Interior Design Examining Board on April 21, 2023; the Landscape Architectural Examining Board on April 17, 2023; and the Real Estate Commission on April 24, 2023.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, there is a potential positive impact on jobs because individuals who may have been ineligible for licensure may become eligible for licensure.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Bureau for a waiver of the discretionary provisions, if any, pursuant to 193—Chapter 5.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or

group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on June 21, 2023.

The following rule-making actions are adopted:

ITEM 1. Adopt the following new definition of "Spouse" in rule **193—14.1(272C)**:
"Spouse" means a spouse of an active duty member of the military forces of the United States.

ITEM 2. Amend rule 193—14.3(272C) as follows:

193—14.3(272C) Veteran and spouse reciprocity.

14.3(1) A veteran or spouse with an unrestricted professional license in another jurisdiction may apply for licensure in Iowa through reciprocity. A veteran or spouse must pass any examinations required for licensure to be eligible for licensure through reciprocity and will be given credit for examinations previously passed when consistent with board laws and rules on examination requirements. A fully completed application for licensure submitted by a veteran or spouse under this subrule shall be given priority and shall be expedited.

14.3(2) Such an application shall contain all of the information required of all applicants for licensure who hold unrestricted licenses in other jurisdictions and who are applying for licensure by reciprocity, including, but not limited to, completion of all required forms, payment of applicable fees, disclosure of criminal or disciplinary history, and, if applicable, a criminal history background check. The applicant shall use the same forms as any other applicant for licensure by reciprocity and shall additionally provide such documentation as is reasonably needed to verify the applicant's status as a veteran under Iowa Code section 35.1(2) or a spouse of an active duty member of the military forces of the United States.

14.3(3) Upon receipt of a fully completed licensure application, the board shall promptly determine if the ~~professional or occupational licensing requirements of scope of practice in the jurisdiction where the applicant is licensed are~~ is substantially equivalent to the ~~licensing requirements scope of practice in~~ Iowa. The board shall make this determination based on information supplied by the applicant and such additional information as the board may acquire from the applicable jurisdiction. ~~As relevant to the license at issue, the board may consider the following factors in determining substantial equivalence: scope of practice, education and coursework, degree requirements, postgraduate experience, and examinations required for licensure.~~

14.3(4) The board shall promptly grant a license to the applicant if the applicant is licensed in the same or similar profession in another jurisdiction whose ~~licensure requirements are~~ scope of practice is substantially equivalent to ~~those required the scope of practice in Iowa, unless the applicant is ineligible for licensure based on other grounds, for example, the applicant's disciplinary or criminal background or the licensee is not in good standing in all issuing jurisdictions in which the person holds a license, certificate, or registration.~~

14.3(5) If the board determines that the ~~licensing requirements scope of practice in the jurisdiction in which the applicant is licensed are~~ is not substantially equivalent to ~~those required the scope of practice in Iowa, the board shall promptly inform the applicant of the additional~~ experience, education, or examinations training required for licensure in Iowa. Unless the applicant is ineligible for licensure based on other grounds, such as disciplinary or criminal background, the following shall apply:

a. If an applicant has not passed the required examination(s) for licensure, the applicant may not be issued a ~~provisional temporary~~ license but may request that the licensure application be placed in pending status for up to one year or as mutually agreed to provide the applicant with the opportunity to satisfy the examination requirements.

b. If additional ~~experience or education or training is required in order for the applicant's qualifications to be considered substantially equivalent,~~ the applicant may request that the board

issue a ~~provisional~~ temporary license for a specified period of time during which the applicant will successfully complete the necessary ~~experience or education or training~~. The board shall issue a ~~provisional~~ temporary license for a specified period of time upon such conditions as the board deems reasonably necessary to protect the health, welfare or safety of the public unless the board determines that the deficiency is of a character that the public health, welfare or safety will be adversely affected if a ~~provisional~~ temporary license is granted.

c. If a request for a ~~provisional~~ temporary license is denied, the board shall issue an order fully explaining the decision and shall inform the applicant of the steps the applicant may take in order to receive a ~~provisional~~ temporary license.

d. If a ~~provisional~~ temporary license is issued, the application for full licensure shall be placed in pending status until the necessary ~~experience or education or training~~ has been successfully completed or the ~~provisional~~ temporary license expires, whichever occurs first. The board may extend a ~~provisional~~ temporary license on a case-by-case basis for good cause.

14.3(6) An applicant who is aggrieved by the board's decision to deny an application for a reciprocal license or a ~~provisional~~ temporary license or is aggrieved by the terms under which a ~~provisional~~ temporary license will be granted may request a contested case (administrative hearing) and may participate in a contested case by telephone. A request for a contested case shall be made within 30 days of issuance of the board's decision. The provisions of 193—Chapter 7 shall apply, except that no fees or costs shall be assessed against the applicant in connection with a contested case conducted pursuant to this subrule.

14.3(7) No change.

ITEM 3. Amend subrule 14.4(1) as follows:

14.4(1) Eligibility. A person may seek licensure by verification if the person is licensed in at least one other jurisdiction that has a scope of practice substantially similar to that of Iowa, ~~and either:~~

a. ~~The person establishes residency in the state of Iowa; or~~

b. ~~The person is married to an active duty member of the military forces of the United States and is accompanying the member on an official permanent change of station to a military installation located in the state of Iowa.~~

ITEM 4. Amend subrule 14.4(2) as follows:

14.4(2) Board application. The applicant must submit the following:

a. A completed application for licensure by verification.

b. Payment of the application fee.

c. Completed fingerprint cards and a signed waiver form to facilitate a national criminal history background check, if required for initial licensure by the board.

d. A verification form completed by the licensing authority in the jurisdiction that issued the applicant's license, verifying that the applicant's license in that jurisdiction complies with the requirements of Iowa Code section 272C.12. The completed verification form must be sent directly from the licensing authority to the board.

e. ~~Proof of residency in the state of Iowa or proof of military member's official permanent change of station. Proof of residency includes:~~

(1) ~~Residential mortgage, lease, or rental agreement;~~

(2) ~~Utility bill;~~

(3) ~~Bank statement;~~

(4) ~~Paycheck or pay stub;~~

(5) ~~Property tax statement;~~

(6) ~~A federal or state government document; or~~

(7) ~~Any other board-approved document that reliably confirms Iowa residency.~~

f. e. A copy of the complete criminal record, if the applicant has a criminal history.

g. f. A copy of relevant disciplinary documents, if another jurisdiction has taken disciplinary action against the applicant.

h. g. Copies of relevant laws setting forth the scope of practice in the other state.

ITEM 5. Rescind subrule **14.4(5)**.

ITEM 6. Renumber subrule **14.4(6)** as **14.4(5)**.

[Filed 4/24/23, effective 6/21/23]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/17/23.